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10/721,125	11/25/2003	Frank Kung Fu Liu	UC-3	6182

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EXAMINER	
DAO, MINH D	

ART UNIT	PAPER NUMBER
2618	

MAIL DATE	DELIVERY MODE
12/06/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/721,125	LIU, FRANK KUNG FU	
	Examiner	Art Unit	
	MINH D. DAO	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 September 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17 and 19-32* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17 and 19-32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, filed 09/19/07 with respect to claims 1-17,19-32 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-17,19-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pradhan et al. (US 2004/0235521) in view of Ishidoshiro (US 2004/0066776), Bender et al. (US 7,248,572) and further in view of Ross et al. (US 2002/0132616).

Regarding claim 1, Pradhan teaches a digital audio file reproduction apparatus having wireless transfer capability with a remote device (see figs. 8s), comprising:

a memory (see figs. 8s);

a controller coupled to store and recall digital audio files with the memory (see figs. 8s; sections [0050-0054]);

a transceiver, coupled to the controller, operable to transmit and receive digital

audio files according to a radio protocol (see figs. 8s; sections [0050-0054]);

an audio circuit coupled to receive audio files from the controller, and output the audio files for analog audio reproduction (see section [0043]), and wherein

the controller is responsive to the receipt of an in-range radio signal by the transceiver, from the remote device, to exchange digital audio files with the remote device via the radio protocol (see figs. 8s; sections [0050-0054]). However, Pradhan does not mention a periodic request. Ishidoshiro, in an analogous art, teaches an access point that, at a preset timing, wirelessly transmitting advertisement information to the client according to the protocol provided by the network (see figs. 1,2,7; sections [0011,0042]. In this case, as indicated in the specifications of the invention (paragraph [12], page 8), the "periodic transmitting link request radio signal by the first device, and transmitting a responsive radio signal by the second device, in response to receiving one of the link request radio signals. Further, recalling a first digital audio file from the memory of the first device and transmitting the first digital audio file to the second device". This is interpreted by examiner as that the "first device" periodically or at preset timing sends advertisements to the clients within operating range. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to provide the above teaching of Ishidoshiro to Pradhan in order for the combined method to be able to inform the user of most updated available products.

Still regarding claim 1, the combination of Pradhan and Ishidoshiro does not disclose bidirectional exchanging of files. Bender teaches bidirectional exchanging of data

packets between access point and user terminal (see figs. 3-5, col. 5, line 44 to col. 6, line 14). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to provide the above teaching of Bender to Ishidoshiro and Pradhan in order to track the current location of user as taught by Bender.

Still regarding claim 1, the combination of Pradhan, Ishidoshiro, and Bender does not disclose automatically exchanging digital audio files. Ross, in an analogous art, teaches automatic downloading music files to a user based on user predetermined preferences (see [0019] and fig. 1). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to provide the above teaching of Ross to Pradhan, Ishidoshiro, and Bender in order for the combined system of Pradhan, Ishidoshiro, and Bender and Ross to recognize users preferences and download music files to users based on their preferences as taught by Ross.

Regarding claim 2, the combination of Pradhan, Ishidoshiro, Bender and Ross teaches the apparatus of claim 1 wherein the memory further comprises a memory card slot coupled to the controller and adapted to accept a user-replaceable memory card (see Pradhan, section [0059]).

Regarding claim 3, the combination of Pradhan, Ishidoshiro, Bender and Rosteaches the apparatus of claim 2 wherein the memory card slot is adapted to accept plural user-replaceable memory cards (see Pradhan, section [0059]).

Regarding claim 4, the combination of Pradhan, Ishidoshiro, Bender and Rosteaches the apparatus of claim 1 wherein the controller is operable to compress and decompress the digital audio files (see Pradhan, section [0003]).

Regarding claim 5, the combination of Pradhan, Ishidoshiro, Bender and Ross teaches the apparatus of claim 4 wherein the digital audio files are compressed and decompressed according to the MP3 format (see Pradhan, section [0052]).

Regarding claim 6, the combination of Pradhan, Ishidoshiro, Bender and Ross teaches the apparatus of claim 4 wherein the controller comprises a digital signal processor operable to compress and decompress the digital audio files (see Pradhan, figs. 8s; sections [0052]).

Regarding claim 8, the combination of Pradhan, Ishidoshiro, Bender and Ross teaches the apparatus of claim 1 wherein the air protocol is selected from one of a wireless LAN standard protocol, the Bluetooth protocol, a proprietary cordless telephone data protocol, and the 2.4 GHz cordless protocol (see Pradhan, section [0055]).

Regarding claim 10, the combination of Pradhan, Ishidoshiro, Bender and Ross teaches the apparatus of claim 1 wherein the controller is operable to control the transceiver to

transmit an in-range radio signal in response to receipt of a link request radio signal from the remote unit (see Pradhan, section [0056]).

Regarding claim 11, the combination of Pradhan, Ishidoshiro, Bender and Ross teaches the apparatus of claim 10 wherein the in-range radio signal comprises a list of digital audio files stored in the memory (see Pradhan, fig. 5, item 530; figs. 8s; also see section [0045]).

Regarding claim 12, the combination of Pradhan, Ishidoshiro, Bender and Ross teaches the apparatus of claim 1 wherein the controller is operable to control the transceiver to transmit a list of digital audio files stored in the memory in response to receipt of the in-range radio signal (see Pradhan, figs. 8s; sections [0050-0054]).

Regarding claim 13, the combination of Pradhan, Ishidoshiro, Bender and Ross teaches the apparatus of claim 1 further comprising a user input actuator, and wherein the controller is operable to cause the transceiver to transmit and receive digital audio files with the remote device in response to actuation of the user input actuator (see Pradhan, section [0057]).

Regarding claim 14, the combination of Pradhan, Ishidoshiro, Bender and Ross teaches the apparatus of claim 1 wherein the controller is a personal computer and an interface

bus and the transceiver is disposed upon an interface card coupled to the interface bus (see Pradhan, section [0054]).

Regarding claim 15, the combination of Pradhan, Ishidoshiro, Bender and Ross teaches the apparatus of claim 14 wherein the audio output circuit is a personal computer sound card (see Pradhan, section [0054]).

Regarding claim 16, the combination of Pradhan, Ishidoshiro, Bender and Ross teaches the apparatus of claim 1 further comprising: a display coupled to the controller, and wherein the controller is operable to display a list of files names associated with the digital audio files stored in the memory (see Pradhan, section [0045]).

Regarding claim 17, the combination of Pradhan, Ishidoshiro, Bender and Ross teaches the apparatus of claim 1 wherein the digital audio file reproduction device is adapted for vehicular use and the audio output circuit couples analog audio files to an existing vehicular audio system (see Pradhan, section [0059] and fig. 10).

Regarding claim 19, the rejection of claim 1. The claim includes the limitations as that of claim 1, and therefore is interpreted and rejected for the same reason set forth in the rejection of claim 1.

Regarding claim 9, the combination of Pradhan, Ishidoshiro, Bender and Ross teaches the apparatus of claim 1 wherein the controller controls the transceiver to periodically transmit a link request radio signal for receipt by the remote device (see Ishidoshiro, figs. 1,2,7; sections [0011,0042]).

Regarding claim 20, the combination of Pradhan, Ishidoshiro, Bender and Ross teaches the method of claim 19 further comprising the steps of: recalling the first digital audio file from the memory of the second device, and reproducing the audio file by analog means (see Pradhan, section [0043]).

Regarding claim 21, the combination of Pradhan, Ishidoshiro, Bender and Ross teaches the method of claim 19 wherein the transmitting steps are accomplished according to a radio protocol (see Pradhan, section [0055]).

Regarding claim 22, the combination of Pradhan, Ishidoshiro, Bender and Ross teaches the method of claim 19 wherein the second memory includes a card slot adapted to receive a memory card, and further comprising the step of: inserting a memory card into the memory card slot (see Pradhan, fig. 6).

Regarding claim 23, the combination of Pradhan, Ishidoshiro, Bender and Ross teaches the method of claim 19 further comprising the steps of: compressing the first digital

audio file by the first device, and storing the first audio file in the memory of the first device (see Pradhan, section [0003]).

Regarding claim 24, the claim includes the limitation as that of claim 20, and therefore is interpreted and rejected for the same reason set forth in the rejection of claim 20.

Regarding claim 25, the claim includes the limitation as that of claim 5, and therefore is interpreted and rejected for the same reason set forth in the rejection of claim 5.

Regarding claim 27, the claim includes the limitation as that of claim 8, and therefore is interpreted and rejected for the same reason set forth in the rejection of claim 8.
Regarding claim 28, the claim includes the limitation as that of claim 10, and therefore is interpreted and rejected for the same reason set forth in the rejection of claim 10.

Regarding claim 29, the claim includes the limitation as that of claim 11, and therefore is interpreted and rejected for the same reason set forth in the rejection of claim 11.

Regarding claim 30, the claim includes the limitation as that of claim 12, and therefore is interpreted and rejected for the same reason set forth in the rejection of claim 12.

Regarding claim 31, the claim includes the limitation as that of claim 13, and therefore is interpreted and rejected for the same reason set forth in the rejection of claim 13.

Regarding claim 32, the claim includes the limitation as that of claim 16, and therefore is interpreted and rejected for the same reason set forth in the rejection of claim 16.

4. Claims 26, 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pradhan et al. (US 2004/0235521) in view of Ishidoshiro (US 2004/0066776), Bender et al. (US 7,248,572), Ross et al. (US 2002/0132616) and further in view of Yuch (US 2005/0107120).

Regarding claim 26, the combination of Pradhan, Ishidoshiro, Bender and Ross, as mentioned above, teaches the limitations of claim 19, but does not mention receiving microphone audio signals from the microphone circuit, and digitizing the microphone audio signals. Such teaching is taught by Yuch in an analogous art (see section [0022]) of Yuch). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to provide the above teaching of Yuch to Pradhan, Ishidoshiro, Bender and Ross in order for the combined system to record and transfer audio files from one device to the other via the microphone as taught by Yuch.

Regarding claim 7, the claim includes the limitation as that of claim 26, and therefore is interpreted and rejected for the same reason set forth in the rejection of claim 26.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MINH D. DAO whose telephone number is 571-272-7851. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MATTHEW ANDERSON can be reached on 571-272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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